

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 25, 2006, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor Ted Cook, Joni Bennett, John Fagot, Linda Miller and Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold and Deputy City Clerk Shirley Lewis.

**NOTICE:** Notice of the meeting was given in advance, thereof by publication in the Lexington clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the Council, and a copy of their Acknowledgment of Receipt of Notice and the Agenda is attached to these Minutes. Availability of the Agenda was communicated in advance notice and in the notice to the Mayor and Council of this Meeting. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

**CALL TO ORDER:** The meeting was called to order by Mayor Cook.

**MINUTES – REGULAR MEETING – 04-11-06:** Minutes of the Regular Meeting scheduled for Tuesday, April 11, 2006 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Regular Meeting held April 11, 2006 as presented. Roll call. Voting “aye” were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

**CLAIMS AND BILLS:** Claims and Bills in the amount of \$27,212.21 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$116,706.78 from the General Fund, \$103,127.57 from LEXU S, \$23,750.48 from Sanitation, \$1,366.99 from Ambulance Fund, \$18,446.49 from Health Fund, \$6,813.90 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
April 25, 2006

AFLAC	Premiums	1,155.46
Alltel	Cellphone Service	328.26
American Playground Corporation	Park Supplies	607.00
Awards Plus	Plaque	51.75
Barnes Distribution	Electric Supplies	322.73
Berntson Oil	Fuel & Oil	5,909.59
Bottom Line Personal	Subscription	39.00
Burnside, Dennis	Travel Expense	203.58
Buysm Sod	Grass Sod	1,230.00
Card Center/Orscheln	Supplies	564.36
Case Credit Advantage	Supplies	380.79
Cash-Wa Distributing	Food & Supplies	864.99
Central Garage Fund	Maint., Repairs, & Fuel	4,909.36

Central Tire & Tread	Tires	427.75
Central Fire & Safety, Inc.	Service & Inspections	170.50
Certified Laboratories	Central Garage Supplies	622.99
Chief Supply Corp.	Uniform Expense	138.93
Dawson County Handibus	Transportation	44.00
Dawson County Surveyor	Survey	300.00
Eakes Office Products	Office Supplies	680.04
EDM Equipment Company	Central Garage Supplies	131.68
Egan Supply Company	Supplies	245.60
Eilers Machine & Welding	Central Garage Supplies	28.67
Electric Fixture	Electric Supplies	263.74
Epperly, Dick	Supplies	25.00
G & V Inc.	Snow Removal	40.00
Galls, Inc.	Police Dept. Supplies	176.44
Gnirk Lawn Care, Inc.	Lawn Care	466.80
Great Plains One-Call Service	Locates	65.47
Greg Larson Sports	Recreation Supplies	520.98
Hach Company	WWTP Testing Supplies	405.00
Health Claims Fund	Claims	16,769.57
Hipp Wholesale Foods, Inc.	Food & Supplies	1,015.36
Holbein, Dahlas D.	Maint. & Cleaning Service	850.00
Husker Ag Sales	Central Garage Supplies	223.25
I. C. M. A.	Membership Dues	658.50
Ingram Library Services	Books	571.22
Int. Municipal Lawyers Assoc.	Membership Dues	480.00
Kapco	Office Supplies	92.75
Kemps-Gillette	Beverages	272.63
K-Lawn	Lawn Care	75.05
Knapp Electric	Repair	160.50
Lawson Products, Inc.	Electric Supplies	112.55
Lexington Glass Co.	Building Repair	75.00
Lexington Newspapers, Inc.	Publications	40.20
Payroll	Wages	89,462.93
Social Security	Employer Port/FICA Med	6,635.55
First National Bank	Employer Port/Pension	3,195.47
ICMA	City Manager Pension	268.64
Lexington Utilities System	Utilities	21,181.36
Linden's Plumbing	Service	32.10
Matt Friend Truck Equipment	Central Garage Supplies	93.75
McCookNet Internet Service	Service	139.00
Mead/Big Valley Lumber	Supplies	258.31
Michael Todd & Co., Inc.	Supplies	223.63
Mid-Nebraska Printing	Office Supplies	14.50
Miller & Associates	Retainer Service	800.00
Mills, Barbara	Conference	353.52
Moore Medical Corp.	Ambulance Supplies	1,196.99
MPLA Newsletter	Membership Dues	75.00
Municipal Supply	Water Dept. Supplies	261.11
National Waterworks	Supplies	644.19
Nebraska Dept. of HHS Laboratory	Water Test Analysis	180.00
Overton Community Center	MOW	100.00
Paulsen Inc.	Concrete	60.00
Plum Creek Cleaners	Supplies	5.50
Plum Creek Promotions	Uniform Expense	311.00
Plum Creek Motors	Repair / Maintenance	823.40
Rainbow Book Company	Books	488.70

Reams Sprinkler Supply Co.	Sprinkler Supplies	851.53
Reiman Publications	Subscription	16.98
Reutlinger, Troy	Education	85.00
S & W Auto Parts, Inc.	Central Garage/WWTP Supplies	583.90
Sav A Lot Discount Foods	Food	190.73
Sign Pro	Signs	90.00
T. L. Sund Constructors, Inc.	S.W. Paving Imp. Dist.	5,251.49
T. O. Haas Tire Co., Inc.	Tires & Repair	379.34
TASC	Flex Plan	207.00
Team Detail & Quicklube	Car Washes	20.00
TierOne-Lib. Petty Cash	Postage	86.75
TMS Cleaning	Library Cleaning Service	832.00
Tri-County Shrine	Promotion	100.00
U-Save Business Equipment	Office Supplies	79.86
Utility Equipment	Supplies	230.90
Wal-Mart	Supplies	259.25
Weiss Ratings, Inc.	Books	261.95
Wesco Distribution, Inc.	Electric Supplies	1,255.76
Aesseal, LLC	WWTP Supplies/Converter	1,997.65
Axis Capital, Inc.	Mail Machine Payment	455.85
B & D Office City	Office Supplies	22.74
Berntson Oil	Fuel / Oil	829.00
Cadwell Construction Co., Inc.	Electric Rebate	850.00
Cash-Wa Distributing	Food & Supplies	567.76
Central Garage Fund	Maint. / Repairs	350.71
Dan's Sanitation	Sanitation Fees	23,750.48
Eakes Office Products	Office Supplies	78.61
Electric Fixture	Electric Supplies	28.50
Fischer Scientific	WWTP Supplies	299.86
Follett Software Co.	Library Supplies	166.83
FYR-TEK	Uniform Expense	233.37
Health Claims Fund	Claims	314.46
Ingram Library Services	Books	89.43
Int. Institute of Municipal Clerks	Membership Fees	91.00
K & K Parts Co., Inc.	Electric Supplies	107.34
Kemps-Gillette	Beverages	57.49
K-Lawn	Lawn Care	390.46
Lexington, City of	Franchise / Service Fees	46,951.47
Lexington Newspapers, Inc.	Publications	191.48
Lexington True Value	Supplies	46.51
Little Caesars	Food	18.44
Lundeen-Isaacson, Inc.	Insurance / Fire Dept.	109.00
Lupercio, Magdalena	Electric Rebate	1,025.00
Mid-Nebraska Printing	GGC Supplies	266.80
Mid-State Units	Rental	415.00
Midwest Living Magazine	Subscription	19.97
Municipal Supply	Water Supplies	214.43
Naumann, Sondra	Cleaning Service	72.00
Nebraska Notary Association	Supplies	18.00
Neopost	Postage	1,500.00
Outdoor Recreation Products	Street Supplies	1,354.00
Oxmoor House	Book	32.91
Pioneer Industrial Corp.	WWTP Supplies	658.18
Platinum Plus For Business	Conference / Supplies	928.74
Plum Creek Motors	Maintenance	28.16

Plum Creek Promotions	Summer Rec. T-Shirts	759.00
Sav-A-Lot Discount Foods	Food	166.82
Service Master Mid Nebraska	Cleaning Service / Floors	755.26
Steve's Lock & Key	Supplies	46.80
T. L. Sund Constructors, Inc.	Boring / Repair	3,329.88
Taste of Home	Book	28.98
Team Detail & Quicklube	Car Wash	20.00
TierOne-City Petty Cash	Petty Cash / Misc. Exp.	35.81
U-Save Business Equipment	Office Supplies	44.95
Wal-Mart	Supplies	188.95
	<b>TOTAL:</b>	<b>\$270,212.21</b>

**PUBLIC COMMENT PERIOD:**

Roger and Kim Schultze addressed the Lexington City Council regarding Kim’s employment with the Lexington Public Library and her dissatisfaction with her Supervisor and City Administration. Following her statement, Council thanked her for her input.

**PUBLIC HEARING:**

Mayor Cook opened the Public Hearing. Mr. Ed Derrick, representing Mac’s Shortstop, requested Council’s approval of an addition to his business located at 1114 N. Adams Street, in reference to his Class D Liquor License. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller, to recommend approval of a building addition to 1114 N. Adams Street, known as Mac’s Short Stop, in reference to Class D Liquor License. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

**PUBLIC HEARING:**

Mayor Cook opened the Public Hearing. Mr. Juan Lazo, representing El Tropic, requested Council’s approval of an addition to his business located at 201 E. 5<sup>th</sup> Street, in reference to his Class IB Liquor License. Mr. Lazo indicated the remodeling of the building will accommodate private parties, teen dances, and other social events that need that type of space. Council asked if he understood that once this addition is a licensed liquor establishment a local ordinance prohibits minors in that premises past 9:00 p.m. without a parent or legal guardian. Further concern was given regarding the ability to receive an occupancy permit on the facility. Following discussion, Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Tomasek, to make no recommendation for the addition to El Tropic, due to local ordinances and concern of unapproved occupancy. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Fagot. Voting “no” was Cook. Motion carries.

**DAWSON AREA DEVELOPMENT:**

Jen Wolf, Executive Director of Dawson Area Development gave a brief report on the activities of DAD. Following Ms. Wolf’s presentation, Council thanked her for her presence at the meeting.

**PAY REQUEST:**

Pepplitsch requested Council’s approval of Pay Request No. 1 for the UV Disinfection Facility at Lexington’s Wastewater Treatment Plant. Following discussion, moved by Miller, seconded by Bennett, to approve Pay Request No. 1 for the UV Disinfection Facility, to Eriksen Construction Co. Inc., in the amount of \$39,780.00. Roll call. Voting “aye” were Fagot, Tomasek, Bennett, Miller, Cook. Motion carried.

**APPONTMENTS:**

Mayor Cook recommended the following appointments: Mr. Marty Smith, and Mr. Gordon Sellin to the Lexington Tree Board. Following

discussion, moved by Tomasek, seconded by Miller, to ratify the Mayor's appointments of Marty Smith and Gordon Sellin to the Lexington Tree Board. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

**BORROWING  
RESOLUTION:**

Peplitsch requested Council's approval of a Resolution authorizing the City to obtain financing for the Lexington Economic Development Program. Following discussion, Resolution No. 06-10 was read. Moved by Fagot, seconded by Miller to approve the resolution. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

RESOLUTION NO. 06-10

A RESOLUTION AUTHORIZING THE CITY OF LEXINGTON TO OBTAIN FINANCING FOR THE LEXINGTON ECONOMIC DEVELOPMENT PROGRAM.

WHEREAS, the City of Lexington, Nebraska administers the Lexington Economic Development Program ("Program"); and

WHEREAS, the City is authorized by law to borrow money to pay the cost of Program expenses.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

1. That it is necessary to provide sufficient funds to pay the costs or expenses incident to and necessary or convenient to carry out the economic development program of the City of Lexington.
2. That the City of Lexington, Nebraska is hereby authorized to contract for financing with Tier One Bank of Lexington, Nebraska. The loan amount shall not exceed \$400,000.00, for a term of 2 years at an interest rate of 4.77%.
3. That Joe Peplitsch, City Manager is hereby directed and authorized, on behalf of the City of Lexington, Nebraska to execute necessary bank documents.

Passed and approved this 25<sup>th</sup> day of April, 2006.

City of Lexington, Nebraska

Ted Cook, President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**FINANCIAL REPORT:**

Peplitsch requested Council's acceptance of the Financial Report for March, 2006. Following discussion, moved by Miller, seconded by Tomasek, to accept the Financial Report for March, 2006. Roll call. Voting "aye" were Bennett, Fagot, Tomasek, Miller, Cook. Motion carried.

**MEETING DATE:** Due to a conflict with the Primary Election Date, the City Council directed the Regular Meeting Date of May 9, 2006 be changed to Monday, May 8, 2006 at 7:30 p.m. in the City Council Chambers, located at 406 E. 7<sup>th</sup> Street, Lexington, NE.

**ROUNDTABLE:** Peplitsch updated the Council on several items related to capital improvement projects. Discussion was held on the recent condemnation of apartment units on the 400 block of Fillmore Street.

**ADJOURNMENT:** There being no further business to come before the Council, Mayor Cook declared the meeting adjourned.

Ted Cook  
Mayor

Shirley Lewis  
Deputy City Clerk

I, the undersigned Deputy City Clerk for the City of Lexington, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk during regular business hours prior to said meeting; that the Minutes of the Mayor and Council of the City of Lexington, Nebraska, from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Deputy City Clerk